

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 2-6, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-3	EX	76398622	Cinema Ride, Inc.	Simms Hohein* Walters	2(d)	Refusal Affirmed		"DINNERS2NITE" [arranging dinner reservations for others]	"DINING-TONIGHT.COM" [making on-line restaurant reservations for others and providing information about restaurants on-line via a global computer network]	Leipzig	No
8-3	EX	78058459	Herbal Dynasty LLC	Walters* Bottorff Drost	2(d)	Refusal Affirmed as to Class 30 on the basis of both cited registrations; Refusal Reversed as to Class 5		"HERBAL DYNASTY" [<i>in Class 5: dietary and nutritional supplements; in Class 30: herbal teas</i>]	<i>2 cited registrations, both owned by the same entity:</i> "DYNASTY" (in stylized letters) [teas, spices, and other food items] and "DYNASTY" (and design) [teas, spices, and other food items]	Gartner	No
8-4	EX	76334833	George R. Chaby, Inc.	Seeherman Rogers Drost*	2(d)	Refusal Affirmed in both classes		"NEWPORT RAINGEAR" [<i>in Class 18: umbrellas; in Class 25: raingear, namely, rain-resistant ponchos</i>]	<i>2 cited registrations, owned by different entities:</i> "NEWPORT" [suitcases, valises, and travelling bags] and "NEWPORT" [outer shirts]	Buongiorno	No
8-4	EX	76233167	Naturally Scientific, Inc.	Simms Seeherman* Hanak	2(d)	Refusal Affirmed		"FAT SPONGE" [nutritional and dietary supplement]	"BIO-SPONGE" [nutritional supplements and veterinary nutritional supplements]	Hickey	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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8-4	EX	75759314	Home Builders Association of Metropolitan Denver	Quinn Walters Drost*	2(e)(1)	Refusal Affirmed in all three classes; <i>but, in view of examining attorney's acceptance of alternative 2(f) claim, mark will be published for opposition</i>		"BUILT GREEN" [<i>in Class 16: printed publications, namely, magazines and newsletters containing articles and information on designing and constructing homes and buildings using environmentally friendly techniques; in Class 35: business information and on-line business directory of information pertaining to services for companies and manufacturers in the construction industry that are environmentally friendly; in Class 37: building construction, renovation, and repair</i>]		Sonneborn	No
8-4	CANC	92026549	British-American Tobacco Co. Ltd. and Tabacalera Istmena, S.A. v. Philip Morris USA, Inc.	Simms* Bucher Holtzman	standing of cancellation petitioners; abandonment; whether registrant has made bona fide use of its marks in commerce	Petition to Cancel Granted on both grounds		2 registrations: "BELMONT" and "BELMONT" (and design) [both marks for cigarettes]			No

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8-4	EX	78039039	LGC Wireless, Inc.	Seeherman* Holtzman Rogers	2(d)	Refusal Reversed		“INTERREACH” [telecommunication equipment, namely, radio frequency hubs, optical hubs, multiplexers, and termination equipment for telecommunication networks; computer hardware and software for monitoring and optimizing radio, cellular, mobile, wireless or cordless telecommunication networks, network statistical analysis, frequency allocation, traffic control and network parameter management]	“INTEREACH” [providing multiple-user access to a global computer information network]	Berk	No
8-4	EX	76382877	Nikos GmbH	Seeherman Bucher* Drost	2(d)	Refusal Affirmed		“NIKOS” (and design) [perfume, cologne, eau de toilette, eau de parfum, after-shave gel and lotion, personal deodorants and antiperspirants, scented body lotion, bath and shower gel, bath oil, bath beads, body cream, body emulsions, non-medicated skin care preparations, cosmetics]	“NIKO” (and design) [cosmetics, namely, foundation, concealer, powder, lipstick, lip gloss, lip pencil, eye shadow, eye liner, mascara, gels, serums, perfume, cosmetic brushes, cleansers, toners, moisturizers, make-up remover, night cream, eye cream, body cream, glitter pencil, shampoo, conditioner, styling gel, blush, hairspray, hair buffer and cologne]	Goodsaid	No

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8-5	EX	76059333	Sno-Wizard Mfg., Inc.	Bucher Holtzman Drost*	genericness; whether, if not generic, applicant's mark has acquired distinctive-ness under Section 2(f)	Refusal Affirmed on both grounds		"SNOBALL" [ice shaving machines for sale to retail business selling shaved ice confections]		Cordova	No
8-5	EX	78071887	Great Northern Enterprises, LLC	Hohein* Hairston Rogers	2(e)(1)	Refusal Reversed		"INDUSTRY PROCESS RE-ENGINEERING" [computer software for business management, namely, for managing and coordinating risk, time, and financial parameters in multi-component business analysis and project development]		Beverly	No
8-6	OPP	91125325	Minka Lighting, Inc. v. Ambiance Imports, Inc.	Quinn Hairston* Drost	2(d)	Opposition Sustained	"AMBIENCE" [electric lighting fixtures and lamps; furniture (benches and tables), mirrors, wall art and accessories]	"AMBIANCE IMPORTS" [wholesale distributorships featuring furniture; and import agency services featuring furniture]			No

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8-6	EX	76007040	Riskwise L.L.C.	Hanak* Bucher Rogers	2(d)	Refusal Reversed		“CHARGEBACK DEFENDER” [providing credit verification and risk assessment services, namely, providing information on the likelihood of a credit card transaction being charged back to a merchant]	3 cited registrations, all owned by the same entity: “BANKRUPTCY DEFENDER” [financial forecasting services, financial research services and providing financial information regarding the likelihood of individuals declaring bankruptcy]; “COLLECTIONS DEFENDER” [financial forecasting, financial research, and financial information services to card issuers regarding the likelihood of future payments on delinquent accounts]; “ATTRITION DEFENDER” [providing financial forecasting, financial research, and financial information services by electronic means to card issuers regarding the likelihood that particular card holders will drop from the issuer's portfolio]	Cain	No

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